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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,468	07/31/2001	Arthur Ray Crivella	00-127	3475

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Cohen & Grigsby, P.C.
15th Floor
11 Stanwix Street
Pittsburgh, PA 15222

EXAMINER

FLEURANTIN, JEAN B

ART UNIT PAPER NUMBER

2172

DATE MAILED: 11/20/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,468

Applicant(s)

CRIVELLA ET AL.

Examiner

Jean B Fleurant

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This is in response to the application filed on July 31, 2001, in which claims 1-21 are presented for examination.

Drawings

2. The drawings filed on September 27, 2001 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948. Correction is required in reply to the Office action.

Color photographs and color drawings are acceptable only for examination purposes unless a petition filed under 37 CFR 1.84(a)(2) is granted permitting their use as acceptable drawings. In the event that applicant wishes to use the drawings currently on file as acceptable drawings, a petition must be filed for acceptance of the color photographs or color drawings as acceptable drawings. Any such petition must be accompanied by the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color photographs, as appropriate, and, unless already present, an amendment to include the following language as the first paragraph of the brief description of the drawings section of the specification:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

Color photographs will be accepted if the conditions for accepting color drawings have been satisfied.

Specification

3. On page 31 of the specification,

ABSTRACT OF THE DISCLOSURE: See 37 CFR 1.72(b) and MPEP § 608.01(b). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

Claim Rejections - 35 USC § 112

4. Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1, lines 13 and 15, the term “said managed information” renders the claim vague and indefinite, because of lack antecedent basis.

Line 16, the term “textual digital forms” does not tie up to the description provided in the preamble, wherein the preamble set forth a system for utilizing audible, visual and textual data. Therefore, the body of the claim does not perform what the preamble set forth.

As per claim 2, lines 8 and 10, the term “said managed information” renders the claim vague and indefinite, because of lack antecedent basis.

Line 10, the term “textual digital forms” does not tie up to the description provided in the preamble, wherein the preamble set forth a system for utilizing audible, visual and textual data. Therefore, the body of the claim does not perform what the preamble set forth.

Claims not directly addressed are rejected based on their dependencies.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,314,426 issued to Martin et al. (hereinafter “Martin”).

As per claim 1, Martin et al disclose a system for utilizing audible, visual and textual data with alternative combinable multimedia forms of presenting information to provide real-time interactive knowledge management in support of activities conducted simultaneously by multiple

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users in different remote locations (see figure 1, col. 4, lines 14-65), “comprising receiving, accessing, processing, storing, retrieving, transmitting and utilizing said data to provide said knowledge management over a distributed network of computers” (col. 4, lines 14-65 and column 5, lines 11-24), “further comprising:

(a) library science means for categorizing the information used in said knowledge management”, (see col. 6, lines 7-26);

(b) “linguistics means for defining information acquisition, exchange and workflow to permit said categorization”, (see col.6, lines 7-26 and column 18, lines 26-31);

(c) “database means for storing said managed information according to a schema which implements said categorization”, (see figures 4, 5A-5C, col. 4, lines 30-48 and column 5, lines 48-55);

(d) “media production means for representing said managed information in multimedia audible, visual and textual digital forms”, (see col. 11, line 34 to col. 12, line 4); and

(e) “computer software means for implementing said system over a computer network to permit interactive,” (see figures 1 and 2 and figures 7A to 7C), multidirectional, multimedia digital data communications originated by a user from at least one first location and made available to at least one second location”, (see column 17, lines 23-67).

As per claim 2, Martin et al disclose a method of using a system for utilizing audible, visual and textual data with alternative combinable multimedia forms of presenting information to provide real-time interactive knowledge management in support of activities conducted simultaneously by multiple users in different remote locations (see figures 1 and 2) “comprising

receiving, accessing, processing, storing, retrieving, transmitting and utilizing said data to provide said knowledge management over a distributed network of computers”, (figures 1 and 2 and col. 4, lines 14-65) wherein said method comprises:

(a) “categorizing the information used in said knowledge management utilizing library science techniques”, (see col. 6, lines 7-26 and figure 4);

(b) “defining information acquisition, exchange and workflow to permit said categorization utilizing linguistics techniques”, (see column 6, lines 7-26 and column 18, lines 26-31);

(c) “storing said managed information in a database according to a schema which implements said categorization”, (see figures 4 and 5A-5C , column 4, lines 30-486, col. 5, lines 48-55);

(d) “representing said managed information in multimedia audible, visual and textual digital forms utilizing media production methods”, (see column 11, line 34 to column 12, line 4); and

(e) “implementing said system over a computer network using computer software which permits interactive, multidirectional multimedia digital data communications originated by a user from at least one first location and made available to at least one second location”, (see figures 1, 2, 7A-7C, and col. 17, lines 23-67).

As per claim 3, the system of Martin et al includes a plurality of subscribers (col. 4, lines 18-30) who must be restricted from accessing certain information for security purposes, (see col. 3, lines 15-25).

As per claim 4, Martin et al disclose, “wherein at least some of said managed information is included within at least one category each having at least one subcategory implementing said database schema such that said category includes all of the information included in each subcategory associated with said category”, (see col. 12, lines 24-40; col. 11, lines 34-64).

As per claim 5, Martin et al disclose, “wherein the information in each category or subcategory is retrievable independent of the information in any other category or subcategory”, (see col. 12, lines 24-40; col. 11, lines 34-64).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,314,426 issued to Martin et al. (hereinafter “Martin”).

As per claim 6, the teachings of Martin et al are discussed above. Martin et al do not explicitly state the information containing a common characteristic is retrievable from at least two different categories or subcategories. However, Martin et al discloses using a user’s profile for displaying and presenting certain information to a particular user based on the user’s profile.

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See column 14, lines 18-27. A user has interest in more than one particular area or category or subcategory of information. An interest or characteristic found in one or more category would have been retrieved from the at least tow different categories or subcategories for presentation to the user. Thus, the information containing a common characteristic is retrievable from the at least two different categories or subcategories in the system of Martin et al would have been obvious to one of ordinary skill in the art at the time the invention was made in order to display items of interests to the user.

As per claim 7, the teachings of Martin et al are discussed above. Martin et al do not explicitly teach a single item of managed information is stored in at least two different locations of said database when said information has been altered from its original form such that each different form of said item is stored in a different location. As per this feature, the Examiner notes that such a feature would have been obvious to one of ordinary skill in the art in order to maintain different versions of a managed information. Thus, if the information is altered, other users would still be able to access the original information thus making the system attractive and versatile.

As per claim 8, Martin et al disclose, "wherein a single item of managed information is referred to by more than one designation such that each said designation enables a reference to at least one other designation for that item", (see figure 4).

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As per claim 9, Martin et al disclose, “wherein the user accesses said categories or subcategories of information from an internet web page having access through a web server to said database” as a user computer including internet communications device which can be connected to the server through an internet for access to the information by using a browser, (see column 15, lines 14-18), and column 17, lines 29-33.

As per claim 10, Martin et al disclose, “wherein said web page contains a user executable feature for providing access to the most common or most recent information used within a category or subcategory”, (see column 14, lines 10-34 and column 3, lines 26-31).

As per claim 11, Martin et al disclose, “wherein said web page contains user executable features for retrieval and processing of said data for presentation in each form in which said data is used”, (see column 17, lines 24-39).

As per claim 12, Martin et al disclose, “wherein said web page contains a user executable feature for storing the information most commonly used by said user according to a categorization established by said user”, (see column 14 lines 10-34).

As per claim 13, Martin et al disclose, “wherein said web page contains user executable features for selection of an audible, visual and/or textual broadcast of a designated item of managed information according to a selected multimedia format”, (see column 17, lines 39-59).

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As per claim 14, Martin et al disclose, “wherein said designated item is combinable with other items of managed information for presentation in at least one broadcast”, (see column 17, lines 39-59).

As per claim 15, Martin et al disclose, “wherein said item is presented in a combination of audible, visual and/or textual multimedia forms in said broadcast”, (see column 17, line 39 to column 18, line 17).

As per claim 16, Martin et al disclose, “wherein said items are combinable into different audible, visual and/or textual multimedia forms in said broadcast”, (see column 17, line 39 to column 18, line 17).

As per claim 17, Martin et al disclose, “wherein said web page contains a user executable feature for searching each category or subcategory for a designated item of managed information”, (see column 6, line 62 to column 7, line 10).

As per claims 18-20, Martin et al is directed to an information retrieval and display system. See the abstract of Martin et al. Including a search means for conducting a search matching information for desired items in the different categories or subcategories of information would have been obvious to one of ordinary skill in the art to provide in the system of Martin et al in order to obtain the desired search result.

As per claim 21, Martin et al do not explicitly teach "wherein the search accommodates inaccuracies created by the search request or digitization of said item". As per this limitation, the Examiner asserts that information may be stored with errors or inaccuracies due to human inputs and/or scanning errors of the information. Search engines usually provide users with means of wildcards and/or search logics such as Boolean(s) to accommodate inaccuracies created either by a search request or a digitization of the inputted information. It would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate these well known techniques of a search and retrieval system in the system of Martin et al in order to overcome errors in a search request or digitization of the item or information. The motivation would have been to retrieve the intended result requested by a user or requestor.

Double Patenting

7. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Claims 1-21 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-21 of copending Application No. 10/210,460. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Prior Art

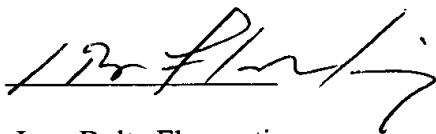
8. The prior art of record and not relied on upon is considered pertinent to applicant's disclosure. Keith U.S. Patent 6,629,097 relates to the field of computer-implemented systems and methods for extracting and displaying implicit associations among items in loosely-structured data sets.

Contact Information

9. Any inquiry concerning this communication from examiner should be directed to Jean Bolte Fleurantin at (703) 308-6718. The examiner can normally be reached on Monday through Friday from 7:30 A.M. to 6:00 P.M.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Mrs. KIM VU can be reached at (703) 305-8449. The FAX phone numbers for the Group 2100 Customer Service Center are: ***After Final (703) 746-7238, Official (703) 746-7239, and Non-Official (703) 746-7240.*** NOTE: Documents transmitted by facsimile will be entered as official documents on the file wrapper unless clearly marked "***DRAFT***".

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2100 Customer Service Center receptionist whose telephone numbers are (703) 306-5631, (703) 306-5632, (703) 306-5633.



Jean Bolte Fleurantin

2003-11-01

JBF/